



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5000-110
Ser BPMOW.hmw/221
July 28, 2020

Mr. Jason Fagone
San Francisco Chronicle
901 Mission Street
San Francisco, CA 94103

Dear Mr. Fagone:

This letter responds to your Freedom of Information Act (FOIA) request of November 19, 2018 in which you seek the following:

Copies of all Navy records related to a proposed San Francisco 49ers football stadium that would have been located at the former Hunters Point Naval Shipyard. At the request of the City and County of San Francisco, the Navy once explored a possible football stadium to be built on "Parcel G" or "Parcel 49" of the shipyard. This request includes, but is not limited to, electronic or written communications, emails, memos, letters, PowerPoints, and other reports and documents between the date January 1, 2005 and March 1, 2012.

Your request was received by this office on November 19, 2018 and assigned file number DON-Navy-2019-001425. On December 19, 2018, our office indicated that we would provide a response date by March 15, 2019. On March 15, 2019, we stated that documents would be provided in phases with the initial response no later than May 15, 2019. The first responsive set of records was released on May 15, 2019. The second set was released on September 16, 2019. The third set was dated October 21, 2019. The fourth set was dated April 28, 2020. Today's partial response provides the fifth phase of documents. Additional records will be released to you in phases as documents are determined to be responsive to your request.

Today's partial response includes 21 records that have been identified as responsive and are provided to you via FOIAonline. Review of the identified documents reveals that some are partially exempt from disclosure under FOIA Exemption 4, [5 U.S.C. § 552 (b)(4)] which exempts from disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential; FOIA Exemption 5 [5 U.S.C. § 552 (b)(5)] which exempts from disclosure records that reflect the Navy's internal deliberations the release of which could be harmful by discouraging the free and frank exchange of opinions or potentially result in public confusion by disclosing information that is not consistent with the outcome of the deliberative process; and FOIA Exemption 6 [5 U.S.C. § 552(b)(6)] which exempts from disclosure personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Instances of exempt information have been redacted and the remainder of each record is released to you.

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Please be advised that fees associated with the processing of your request are waived in this instance.

You have the right to an appeal. It must be received within 90 calendar days from the date of this letter. Please provide a letter requesting an appeal, with a copy of your initial request and a copy of the letter of denial, in an envelope marked "Freedom of Information Act Appeal." You are encouraged (though not required) to provide an explanation why you believe the redactions were inappropriate or our search was inadequate. Also, please provide a copy of your appeal letter to us at:

NAVFAC BRAC PMO West
33000 Nixie Way
Bldg 50 Suite 207
Attn: Meredith Richards
San Diego, CA 92147

There are two ways to file an appeal—through FOIAonline or by mail. Please note, as a result of increases in the Health Protection Condition (HPCON) level, our offices are limited to mission-essential personnel only and maximizing the use of telework for other personnel. This means that we are unable to handle requests sent via traditional methods and can only respond to electronic inquiries while under elevated HPCON levels.

1. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline.gov, click "Create Account" (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click "Save" (at the bottom left of the screen). With your account thereby created, you will be able to file an appeal on FOIAonline for any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the "Search for" field on the "Search" tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click "Save," and FOIAonline will submit your appeal.
2. By mail. Address your appeal to:

Department of the Navy,
Office of the General Counsel,
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

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If you have any questions, please contact Ms. Heather Wochnick at (619)524-4605 or heather.wochnick@navy.mil. You may also contact the DON FOIA Public Liaison, Christopher Julka, at christopher.a.julka@navy.mil, (703)697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, go to <https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

KIMBERLY A. OSTROWSKI
Director